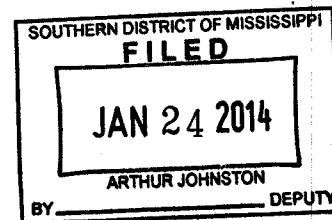


IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



LEO JOHN HOLSTINE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14cv58 DPJ-FKB

YAZOO COUNTY, MISSISSIPPI;
NATIONAL RAILROAD PASSENGER CORPORATION
D/B/A AMTRAK; CANADIAN NATIONAL RAILWAY
COMPANY, D/B/A CANADIAN NATIONAL ILLINOIS
CENTRAL, ILLINOIS CENTRAL RAILROAD COMPANY

DEFENDANTS

NOTICE OF REMOVAL

Defendant National Railroad Passenger Corporation, d/b/a Amtrak ("Amtrak"), by and through counsel, files this Notice of Removal of this cause to the United States District Court for the Southern District of Mississippi, Northern Division, and in support would show unto the Court the following:

THE REMOVED CASE

1. There was commenced and is now pending in the Circuit Court of Yazoo County, Mississippi, a suit, being cause number 2013-CI42, in which Leo John Holstine is the plaintiff and Amtrak is named as one of the defendants.

PAPERS FROM THE REMOVED ACTION

2. A copy of the all process, pleading and orders received or served by/on Amtrak is attached hereto as collective Exhibit "A." Pursuant to U.D.C.R. 5(b), a true and correct copy of the complete file of the Circuit Court will be filed separately.

THE REMOVAL IS TIMELY

3. Amtrak was served with a copy of the First Amended Complaint on or about January 10, 2014; it was not served with a copy of the original complaint. Defendant Illinois Central Railroad Company has not yet been served a copy of the original complaint or the First Amended Complaint. Canadian National Railway Company, also named as a defendant, has not been served with a copy of the original complaint or First Amended Complaint and is not subject to personal jurisdiction in this state. No defendant has been served a copy of the Complaint or Amended Complaint more than thirty (30) days prior to the date of this Notice of Removal. Thus, this notice is timely filed in this Court, within thirty (30) days after the case became removable.

THE VENUE REQUIREMENT IS MET

4. Venue of this action is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division encompassing the state court where the action is pending.

FEDERAL JURISDICTION EXISTS

5. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. §§ 1331 and 1349, and this cause is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(b).

6. Federal question jurisdiction is established pursuant to 28 U.S.C. § 1349, pursuant to which this Court has original jurisdiction over all civil actions against a corporation of which the United States owns more than one-half of the capital stock. Because the United States is the owner of more than one-half of the capital stock of Amtrak, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331. *Estate of Wright v. Illinois Central R. Co.*, 831 F.

Supp. 574 (S.D. Miss. 1993); *see also In Re Rail Collision Near Chase, Maryland on January 4, 1987 Litigation*, 680 F. Supp. 728 (D. Md. 1987).

JOINDER OF CO-DEFENDANT

7. Co-defendant Yazoo County, Mississippi, the only other defendant served with process to date, joins in and consents to this Notice by joinder filed separately with the Court.

CONCLUSION

8. For the foregoing reasons, this Court has original jurisdiction of the subject matter pursuant to Title 28, United States Code, Section 1331 and 1349, and this defendant has removed this civil action to this Court from the Circuit Court of Yazoo County, Mississippi.

9. Plaintiff is hereby notified to proceed no further in state court.

10. Written notice of the filing of this notice is being given to the adverse party hereto by mailing, postage prepaid, same to her attorneys of record; and defendant will also file a copy of this Notice with the Clerk of the Circuit Court of Yazoo County, Mississippi.

WHEREFORE, PREMISES CONSIDERED, Defendant National Railroad Passenger Corporation, d/b/a Amtrak, hereby requests that this Court proceed with the handling of this cause as if it had been originally filed herein; and that further proceedings in the state court be hereby stayed.

THIS, the 24th day of January, 2014.

Respectfully submitted,

NATIONAL RAILROAD PASSENGER CORPORATION
d/b/a AMTRAK, DEFENDANT

By: _____

GEORGE H. RITTER, ESQ., MSB # 5372

JEREMY L. BIRDSALL, ESQ., MSB # 100284

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CERTIFICATE OF SERVICE

I, George H. Ritter, attorney for Defendants National Railroad Passenger Corporation, do hereby certify that I have this date sent a copy of the foregoing via the United States mail, postage prepaid, to the following:

Chuck McRae
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Robert Coleman
Circuit Clerk of Yazoo County, Mississippi
Post Office Box 108
Yazoo City, Mississippi 39194

This the 24th day of January, 2014.



GEORGE H. RITTER